

CLAYTON ANDREW PERRY, et
al..

No C 05-4686 WDB

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CL
al.,

Plaintiffs.

MATTHEW EPSTEIN, JACOB Y. CUADREZ, STEVE HEISINGER, IAN MADDISON, MILL VALLEY POLICE DEPARTMENT, AND CITY OF MILL VALLEY,

Defendants.

On August 29, 2006, the Court conducted a further telephonic status conference in this matter. For reasons more fully explained on the record, the Court VACATES the Updated Joint Status Report signed and filed by the Court on July 25, 2006 and, instead, in an effort to facilitate settlement, enters the following interim pre-trial ORDERS:

1. **Between now and December 1, 2006**, counsel must complete the depositions of Plaintiffs, Clayton and Lucas Perry, and Defendants, Officers Matthew Epstein, Jacob Cuadrez, and Steve Heisinger. Because these depositions will be taken without the benefit of full production of documentary evidence, should there later arise a *reasonable* need for a second deposition of any of the five parties listed above, based upon further evidence that comes to light, a focused follow-up deposition may be taken by stipulation or, if counsel cannot agree, by order of the Court.

2. The parties indicated on the record that they would be amenable to participating in a settlement conference before a Magistrate Judge of this court. The Court therefore VACATES the ENE session currently set for September 7, 2006 and REFERS this matter to a Magistrate Judge for settlement for a date to be set during the **first two weeks of December, 2006.**

3. **By Friday, September 15, 2006**, Defendants must lodge (not file) with this Court for *in camera* review portions of the personnel files of Officers Epstein, Cuadrez and Heisinger regarding any disciplinary proceedings or complaints (from within or outside the Mill Valley police department) about conduct arguably similar to any of the misconduct alleged by Plaintiffs here. If the officers' personnel files do not include any relevant information, Defendants must submit a letter to the Court so stating.

4. **By Friday, September 15, 2006**, Defendants must send to Plaintiffs police reports, if any, from the six events described by Plaintiffs in Plaintiffs' Response to Interrogatory No. 1 in Defendants' First Set of Interrogatories. If a report for any of the six events does not exist, Defendants must send a letter to Plaintiff so stating.

5. **On Thursday, January 11, 2007 at 1:30 p.m.**, the parties must appear for a further telephonic status conference at which time, unless the case has settled, the Court will set a trial date. To appear, counsel for Plaintiff must get all counsel on the line and call the Court at (510) 637-3909. **By Monday, January 8, 2007 at noon**, the parties must file a Joint Updated Case Management Statement that identifies discovery that remains to be completed and sets forth a schedule for it, identifies any contemplated motions, and suggests dates for discovery cut off and trial.

IT IS SO ORDERED.

/s/ Wayne D. Brazil

Dated: August 30, 2006

WAYNE D. BRAZIL
United States Magistrate Judge

Copies to: